

Treaty Made

Between
The Most Serene and Mighty PRINCE

CHARLES R.

By the Grace of God
King of England, Scotland, France & Ireland,
Duke of Brunswick and Lüneburg

And His Most Serene and Mighty PRINCE

LEWIS XIV.

The Most

Christian King

Concluded at St. Germain in France the
Twenty fourth day of February 1678

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of the

CHARLES II.

of the

LEWIS XIV.

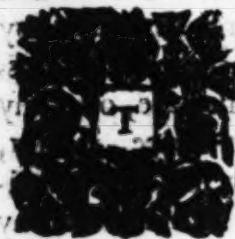
Christian King.

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Artic. I.

 Hat it shall and may be Lawfull for all and every the Subjects of the Most Serene and Mighty Prince the King of Great Britain aforesaid, with all Freedom and safety to Sail, Trade, and Exercise any manner of Traffique in all those Kingdoms, Countreys, and Estates, which are, or at any time hereafter shall be in Peace, Amity, or Neutrality with His said Majesty: So that they shall not be any ways hindered or molested in their Navigation or Trade, by the Military Forces, nor by the Ships of War, or any other kind of Vessels, whatsoever, belonging either to the Most Christian King, or to his Subjects, upon occasion or pretence of any Hostility or Difference which now is, or

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shall

shall hereafter happen between the said Most Christian King, and any Princes or People whatsoever, in Peace, Amity, or Neutrality with the said King of *Great Britain*. And likewise, that it shall and may be Lawful for all and every the Subjects of the said Most Christian King, with all Freedom and Safety to Sail, Trade, and Exercise any manner of Traffique in all those Kingdoms, Countreys, and Estates, which are, or at any time hereafter shall be in Peace, Amity, or Neutrality with the aforesaid Most Christian King : So that they shall not be any ways hindred or molested in their Navigation or Trade, by the Military Forces, nor by the Ships of War, or any other kind of Vessels whatsoever, belonging either to the King of *Great Britain* above mentioned, or to His Subjects, upon occasion or pretence of any Hostility or Difference which now is, or shall hereafter happen between His said Majesty and any Princes or People whatsoever, in Peace, Amity, or Neutrality with the said Most Christian King.

II.

Nor shall this Freedom of Navigation
and

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and Commerce be Infringed by occasion or cause of any War, in any kind of Merchandizes, but shall extend to all Commodities which shall be carried in time of Peace; those onely excepted which follow in the next Article; and are comprehended under the name of *Contraband*.

III.

Under this name of *Contraband*, or prohibited Merchandizes, shall be comprehended onely Arms, Pieces of Ordnance, with all Implements belonging to them, Fire-balls, Powder, Match, Bullets, Pikes, Swords, Lances, Spears, Halberds, Guns, Mortar-pieces, Petards, Granadoes, Musquet-rests, Bandeliers, Salt-petre, Musquets, Musquet-sho, Helmers, Corsets, Breastplates, Coats of Mail, and the like kind of Armature, Soldiers, Horses, and all things necessary for the Furniture of Horses, Holsters, Belts, and all other Warlike Instruments whatsoever.

IV.

These Merchandizes following shall not be reckoned among prohibited Goods; (*viz.*) all kind of Cloth, and all other Manufactures Woven of any kind of Wooll, Flax,

Flax, Silk, Cotton, or any other Material, all sorts of Clothing and Vestments, together with the Materials whereof they use to be made; Gold and Silver, as well Coynded as not Coynded, Tin, Iron, Lead, Copper, and Coles, as also Wheat and Barley, and all other kind of Corn or Pulse, Tobacco, and all kind of Spices, salted and smoked Flesh, salted and dried Fish, Cheese, Butter, Beer, Oyls, Wines, Sugars, and all sort of Salt, and in general all Provision which serves for the nourishment and sustenance of Life; likewise all kind of Cotton, Hemp, Flax and Pitch, Ropes, Sails and Anchors, also Masts and Planks, Boards and Beams, of what sort of wood soever, and all other Materials requisite for the building or repairing Ships, but they shall be wholly reputed amongst Free Goods, even as well as all other Wares and Commodities which are not comprehended in the next precedent Article; so that the same may be freely Transported and carried by the Subjects of the Most Serene King of Great Britain, not onely from one Neutral place, to another Neutral place, or from a Neutral Port or place to a place in Hostility

Hostility with the Most Christian King, or
 from a place in Hostility with him to a
 Neutral place; but also from one place in
 Enmity with the Most Christian King, to
 another Port or place in Enmity with him;
 Be it that such Ports or places do belong
 to the same Prince or State, or to several
 Princes or States with whom the Most
 Christian King shall happen to be in War:
 And in like manner, that the same may be
 freely Transported by the Subjects of the
 Most Christian King, not onely from one
 Neutral place, to another Neutral place, or
 from a Neutral Port or place, to a place in
 Hostility with the King of *Great Britain*, or
 from a place in Hostility with him, to a Neu-
 tral place; but also from one place in En-
 mity with the King of *Great Britain*, to an-
 other Port or place in Enmity with him;
 Be it that such Ports or places do belong to
 the same Prince or State, or to several Prin-
 ces or States with whom the King of *Great
 Britain* shall happen to be in War, except
 onely Towns or places besieged, environed,
 or invested, in *French Blocques or Investies*.

And that all manner of Differences and Contentions on both sides by Sea and Land, may from henceforth cease and be utterly extinguished; It is agreed, that all kind of Ships and Vessels whatsoever, belonging to the Subjects of His said Majesty of *Great Britain*, entring or being entred into any Road or Port under the Obedience of the Most Christian King, and purposing to pass from thence, shall be onely obliged to shew unto the Officers acting in the Ports of the said Most Christian King, or to the Captains of the Most Christian Kings Ships, or of private men of War (if any happen there to be) their Pass-port, commonly called a Sea-Brief, (the Form whereof is added at the end of these Articles;) nor shall any Money, or any thing else be exacted from them under that pretence: But if any Ship belonging to the Subjects of his Majesty of *Great Britain* shall in the open Sea or elsewhere, out of the Dominions of the said Most Christian King, meet the Ships of War of the said Most Christian King or private men of War of his Subjects, the said Ships of the Most Christian

Christian King shall keep at a convenient distance, and onely send out their Boat, and it shall be Lawful for them onely with Two or Three men to go on Board the Ships and Vessels of the Subjects of His Majesty of *Great Britain*, that the Pass-port (or Sea-Brief) of the Propriety thereof, (according to the Form hereafter specified) may be shewn to them by the Captain or Master of such Ship or Vessel belonging to the Subjects of His Majesty of *Great Britain*: And the ship which shall shew the same shall freely pass; and it shall not be Lawful to molest, search, detain or divert the same from her intended Voyage: And all the Subjects of the Most Christian King shall enjoy in all things the same Liberty and Immunity, they in like manner shewing their Pass-port (or Sea-Brief) made according to the Form prescribed at the latter end of this Treaty.

VI.

But if any Ship or Vessel belonging to the *English*, or other Subjects of His Majesty of *Great Britain*, shall be met by any Man of War making into any Port in Enmity with the Most Christian King; or on the

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other

other side, if any Ship belonging to the Most Christian King, or others Subjects of the said Most Christian King, shall be met in her Way, making into any Port under the Obedience of the Enemies of His said Majesty of *Great Britain*, such Ship shall shew not onely a Pass-port (or Sea-Brief) according to the form hereunder prescribed, wherewith she is to be furnished, but also her Cocquets expressing the Contents of the Goods on Board, given in the usual Form by the Officers of the Customs in the Port from whence she came, whereby it may be known whether she is laden with any Merchandizes prohibited by the Third Article of this Treaty.

VII.

But if by the shewing the abovesaid Cocquets expressing the Contents of the Goods on Board, given in the usual Form by the Officers of the Customs in the Port from whence she came (concerning the shewing whereof it is above-agreed) either Party shall discover any kind of Merchandizes which in the Third Article of this Treaty are declared to be *Contraband*, or Prohibited,

ed, consigned to any Port under the Obedience of their Enemies, it shall not be lawful to open the Hatches of such Ship in which the same shall happen to be found, whether she belongs to the Subjects of His Majesty of *Great Britain*, or of the Most Christian King; nor to unlock or break open the Chests, Mails, Packs, or Casks in the same; nor to convey away any the least part of the Merchandizes, before the whole be first Landed in the presence of the Officers of the Admiralty, and Inventaried; neither shall it be any ways lawful to Sell, Exchange, or otherwise to Alienate the same, until such Prohibited Goods are rightly and lawfully proceeded against; and that the Judges of the Admiralty have by their respective Sentences confiscated the same: Provided always, that as well the Ship it self, as the rest of the Commodities found in the same, which by this Treaty are to be reputed Free, shall not upon pretence of their being Infected by such Prohibited Goods, be detained, much less confiscated for lawful Prize; but if not the whole, but a part only of the Lading consists of *Contraband* or Prohibited Commodities,

modities, and that the Master of the Ship shall be willing and ready to deliver them to the Captor who seized the same; in that Case the Captor shall not compel the Ship to go out of her Course to any Port he thinks fit, but shall forthwith dismiss her, and upon no account hinder her from freely prosecuting her designed Voyage.

VIII.

It is further agreed, that whatsoever shall be found laden by the Subjects of His Majesty of *Great Britain*, upon any Ship whatsoever belonging to the Enemies of the Most Christian King, although the same be not of the quality of *Contraband Goods*, may be confiscated: But on the contrary, all that which shall be found in the Ships belonging to the Subjects of His Majesty of *Great Britain*, shall be accounted Clear and Free, although the whole Lading, or any part thereof, by Just Title of Propriety shall belong to the Enemies of the Most Christian King; except always *Contraband Goods*; which being Intercepted, all things shall be done according to the Meaning and Direction of the precedent Articles; and by the same Reason, whatsoever

whatsoever shall be found Laden by the Subjects of the Most Christian King in any Ship whatsoever belonging to the Enemies of his Majesty of *Great Britain*, although the same be not of the quality of *Contraband Goods*, may be Confiscated; but on the other side, all that which shall be found, in the Ships belonging to the Subjects of the Most Christian King, shall be accounted Clear and Free, although the whole Lading, or any part thereof, by Just Title of Propriety shall belong to the Enemies of His Majesty of *Great Britain*; except always *Contraband Goods*, which being Intercepted, all things shall be done according to the Meaning and Direction of the precedent Articles: And lest any Damage should by Surprise be done to the one Party, who is in Peace, when the other Party shall happen to be engaged in War, it is provided and agreed, that a Ship belonging to the Enemies of the one Party, and Laden with Goods of the Subjects of the other Party, shall not Insect or render the said Goods liable to Confiscation, in case they were Laden before the expiration of the Terms and Times hereafter

after mentioned, after the Declaration or Publication of any such War ; (viz.) If the Goods were Laden in any Port or place between the Places or Limits called the *Soundings* and the *Naz* in *Norway*, within the space of Six Weeks after such Declaration ; of Two Months between the said place the *Soundings* and the City of *Tangier* ; and of Ten Weeks in the *Mediterranean* Sea ; or within the space of Eight Months, in any other Countrey or place of the World ; So that it shall not be lawful to Confiscate the Goods of the Subjects of His Majesty of *Great Britain*, taken or seized in any Ship or Vessel whatsoever of any Enemy of the Most Christian King, upon that Pretence, but the same shall be without delay restored to the Proprietors, unless they were Laden after the expiration of the said Terms of Time respectively ; but so that it may not be lawful for them afterwards to carry to Enemies Ports the said Merchandizes which are called *Contraband*, and for the Reason aforesaid shall not be liable to Confiscation ; neither on the other side shall it be lawful to Confiscate the Goods of the Subjects of
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the Most Christian King, taken or seized in any Ship or Vessel whatsoever of an Enemy of His Majesty of *Great Britain*, upon that Pretence, but the same shall be forthwith restored to the Proprietors thereof, unless they were Laden after the expiration of the said Terms of Time respectively; but so that it may not be Lawful for them afterwards to carry to Enemies Ports the said Merchandizes which are called *Contraband*, and for the Reason aforesaid shall not be liable to Confiscation,

IX.

And the more to assure the Subjects of His Majesty of *Great Britain*, and of the Most Christian King, that no Injury shall be offered to them by the Ships of War, or private Men of War of either Side, all the Captains of the Ships, as well of His Majesty of *Great Britain*, as of the Most Christian King, and all their Subjects who shall set out private Men of War; And likewise their Priviledged Companies shall be enjoined not to do any Injury or Damage whatsoever to the other; which if they do, they shall be punished; and moreover be liable.

liable to satisfie all Costs and Damages, by Restitution and Reparation, upon Pain and Obligation of Person and Goods.

X.

For this Cause all the Commanders of private men of War shall from henceforth be obliged before they receive their Commissions, to enter before a Competent Judge good and sufficient Security, by able and responsible men, who have no part or Interest in such Ship, in the Sum of Fifteen hundred Pounds Sterling, or Sixteen thousand five hundred *Livres*, and when they have above One hundred and fifty Men, then in the Sum of Three thousand Pounds Sterling, or Three and thirty thousand *Livres*, that they will give full Satisfaction for any Damages or Injuries whatsoever, which they or their Officers, or others in their Service shall commit in their Courses at Sea, contrary to this present Treaty, or any other whatsoever, between His Majesty of *Great Britain*, and the said Most Christian King, and upon the pain of Revocation and Annulling their said Commissions; in which it shall be always inserted, that they have
given

given such Security as abovesaid; and likewise it is agreed, that the Ship it self shall be also liable to make Satisfaction for Injuries and Damages done by her.

XI.

His Majesty of *Great Britain*, and the said Most Christian King, being desirous that the Subjects of each other may be mutually Treated in all Countries under their Obedience respectively, with the like kindness as their own Subjects, will give all necessary and effectual Orders, that Judgements upon Ships and Merchandize taken at Sea, be given according to the Rule of Justice and Equity, by Judges beyond all Suspicion, and not any ways concerned in the Cause under Debate. And His Majesty of *Great Britain*, and the Most Christian King will likewise give strict Orders that all Sentences already given, and which shall be hereafter given, be according to the Tenor thereof duly put in Execution, and obtain their Effect.

XII.

And whensoever the Ambassadors, or other Publick Ministers of the King of *Great Britain*,

tain, residing in the Court of the Most Christian King, shall complain of the Unjustness of Sentences which have been given concerning Ships or Merchandize taken at Sea, and belonging to the Subjects of the King of *Great Britain*, then the said Most Christian King, on Demand of the said Ambassadors or Ministers of the King of *Great Britain*, shall cause the said Sentences to be Reviewed and Examined in his Privy Council, and shall Confirm or Revoke the Sentences wheresoever given. And likewise the said Most Christian King shall take care that Right be done to the Party complaining, within the space of Four Moneths to be accounted from the day of Making such Demand. In like manner if the Ambassadors, or other Publick Ministers of the Most Christian King, residing in the Court of the King of *Great Britain*, shall complain of the Unjustness of Sentences which have been given concerning Ships or Merchandize taken at Sea, belonging to Subjects of the said Most Christian King, the said King of *Great Britain* shall forthwith Commissionate under his Great Seal, Nine of his
Privy

Privy Council to Adjudge such Matters, and to Confirm or Revoke the Sentences wheresoever given ; and the said Commissioners shall meet within the space of One Moneth, from the day of delivering the Complaint : And likewise the King of *Great Britain* shall take care that Right be done the Party complaining, within the space of Three Moneths to be computed from the First day of the Meeting of the said Commissioners.

XIII.

A Suit being Commenced between the Takers of Prizes on the one Part, and the Claimers thereof on the other, and a Sentence or Decree being given for the Party Reclaiming, the said Sentence or Decree (upon Security given) shall be put in Execution, notwithstanding the Appeal made by him that took the Prize : which shall not be observed in case the Sentence shall be given against the Claimers.

XIV.

And whereas the Masters of Merchant Ships, and likewise the Mariners and Passengers, do sometimes suffer many Cruelties

and Barbarous Usages, when they are brought under the power of Ships which take Prizes in time of War, the Takers in an Inhumane manner tormenting them, thereby to extort from them such Confessions as they would have to be made, it is Agreed, that both His Majesty of *Great Britain*, and the Most Christian King, shall by the Severest Proclamations or Edicts, forbid all such Hainous and Inhumane Offences; and as many as they shall by Lawful Proofs find Guilty of such Acts, they shall take care that they be punished with due and just punishments, and which may be a Terror to others; and shall command that all the Captains and Officers of Ships, who shall be proved to have Committed such Hainous Practises, either themselves, or by Instigating others to act the same, or by Conniving while they were done, shall (besides other Punishments to be Inflicted proportionably to their Offences) be forthwith deprived of their Offices respectively; and every Ship brought up as Prize, whose Mariners or Passengers shall have suffered any Torture, shall forthwith be Dismissed and

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and Freed with all her Lading , from all further Examination and proceeding against her , as well Judicial as otherwise.

XV.

It is also Agreed, that the like Severity of Punishments shall be Inflicted upon those who shall take Commissions from Enemies, to Seize the Ships of either Ally or Party.

XVI.

Lastly, It is Agreed and Concluded, that this present Treaty, and all and singular the things therein contained , shall be with all convenient speed on both sides Ratified and Confirmed, and that the Ratifications thereof shall be within Two Months from the Date hereof Rightly and Reciprocally Exchanged between both Parties.

Dated at *St. Germain's in Laye*, the Twenty fourth day of *February* in the Year of Our Lord 1677.

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The Form of the Passport (or Sea-Brief) to be asked of, and given by the Lord High Admiral, or by those to whom the Exercise of Admiralty Jurisdiction is ordinarily Committed, or by the Mayor, or other Chief Magistrate, or by the Commissioners, or other Principal Officers of the Customs, in their respective Ports and Places within the Dominions of the King of Great Britain, to Ships and Vessels, according to the Purport of the Fifth Article.

TO all unto whom these Presents shall come, Greeting,
We Lord High Admiral of *We* Lords Commissioners Executing the Office of the Lord High Admiral of *We* or the Mayor, or other Magistrate of *We* or We Commissioners, or Principal Officers of the Customs in the City or Port of
 Do Testifie and make Known,
 That

That Master or Commander
of the Ship called the hath ap-
peared before Us, and hath Declared
by Solemn Oath, That the said Ship
or Vessel Containing about
Tons, of which he is at present Ma-
ster or Commander, doth belong to the
Inhabitants of within the
Dominions of the Most Serene and
Mighty Prince, the King of Eng-
land, Scotland, France, and Ireland,
Defender of the Faith, &c. So help
him God. And in regard it would be
most acceptable to Us, that the said
Master or Commander be Assisted in
his just and lawful Affairs, We do Re-
quest you, and every of you, where so-
ever the said Master or Commander
shall Arrive with his Ship, and the
Goods Laden on Board and Carried
in her, that you would please to Re-
ceive

...and Admit him, upon the same
...and usual Customs and
Duties, to Enter into, Remain in, and
Pass from your Ports, Rivers, and Dis-
tricts; and there to Enjoy all kind of
Right of Navigation, Traffick, and
Commerce; in all Places where he
shall think fit; Which We shall most
willingly and readily acknowledge
on all Occasions. In Testimony and Con-
firmation whereof, We have with our
Hand Signed these Presents, and com-
manded them to be Sealed with our Seal
Dated at ... the ... Day
of ... the Year of our Lord

And the like Form of Passport (mutatis
mutandis) shall be used by the Subjects of the
Most Christian King.

...
...
...

